



**Provincetown Public Pier Corporation (PPPC)  
Judge Welsh Room - Town Hall  
Meeting Minutes of Thursday, May 8, 2014**

**Members Present:** Kerry Adams (KA), Scott Fraser (SF) and Herbie Hintze (HH).

**Members Absent:** Carlos Verde (excused) and Ginny Binder (excused).

**Other Attendees:** Rex McKinsey (RM), Harbormaster and Ellen C. Battaglini, Administrative Assistant.

Chair Kerry Adams called the Public Meeting to order at 5:01 P.M.

## ***AGENDA***

### ***Public Statements***

Jim King wanted to know if the Board had given any thought to his request to have paid parking for visiting boats and to put a sign at the courtesy float advertising that fact. RM replied that staff had taken it under advisement and they will be working towards that goal both with the reconstruction of the floating docks and the situation at 10W.

### ***Special Agenda***

#### **Public Hearing to consider changes to Chapter 1 of the Harbor Regulations and Appendix B for rates** *(continued from April 24, 2014):*

RM answered some questions raised at the previous Public Hearing concerning the proposed excursion fee. He has consulted with the Pier Corp.'s auditor about this fee and Mr. Marini confirmed that it is a neutral to the business, similar to a meals or sales tax. However this fee is not a tax but a user fee charged by the Pier Corp. under the authority of its enabling legislation. He corrected the misinformation that 80-90% of revenue collected by the Pier Corp. was from excursion vessels. In fact, it is more evenly distributed than that. The Town pays \$118,000 to the Pier annually, the commercial fisheries represent \$163,000 in revenue, the excursions represent \$148,000 in revenue and the ferries represent \$110,000 in revenue, which includes \$30,000 in embarkation fees that go to the Town. In addition, there is another \$123,000 in other types of revenue. The money paid to the Pier Corp. per ferry passenger equals \$.81 and \$.91 per ticket. For the three whale watch vessels, based on the passenger capacity stated on their certificates of inspection, the per passenger revenue that goes to the Pier Corp. is estimated to be about \$.38 per ticket. Based upon engineering data collected, numbers have been compiled to estimate the cost of keeping the Pier maintained in a steady state. The deficits that are projected for the coming year are based on this data and this information plus the current year spreadsheet will be

presented to the Board of Selectmen when the management contract is re-negotiated. If the Pier Corp. is given a one-year extension by the BOS, the maintenance and other expenses will require a certain amount of revenue in order to maintain the status quo for the year.

RM said that there had been a discussion of the charter boats and the reported loss of tenants as well. The current rates and definitions were revised because of a complaint by an aggrieved tenant who felt that too many commercial fishers were being subsidized. The revised rates were based upon how much commercial activity the fisher was engaged in, with a base line percentage of 35%. This allowed some fishers to augment their fishing income by working other jobs. The charter boats are not able to do that. This proposed excursion fee is to address the shortfalls illuminated by engineering reports and the long term projection for maintenance costs. Staff will be reviewing all fees and will bring forward recommendations to the Board.

Finally, in reference to the question about renting the 10W shed. It cannot be rented as the Hindu will be using the ticket side of it and the other side is being used for beverage storage.

***A motion was made to adopt Harbor Regulation 1-6-8 as written and the language in Appendix B that deals with the \$.50 excursion fee.***

***Motion:*** Scott Fraser

***2nd:*** Herbie Hintze

**Vote:**

**Yes:** 3

**No:** 0

**Abstain:** 0

***Motion passes.***

**One-year extension to ferry contracts:**

RM stated that staff needs a motion to extend the ferry contracts for another year. The Board discussed the extension. HH disclosed that he has a conflict of interest because he works for Bay State Cruises. As a result of his disqualification, the Board lacked the sufficient number of members necessary to take a valid vote. The Board invoked the rule of necessity to allow a vote on the matter to take place.

***A motion was made to extend the existing ferry contract, under the same terms, for a period of one year.***

***Motion:*** Scott Fraser

***2nd:*** Kerry Adams

**Vote:**

**Yes:** 2

**No:** 0

**Abstain:** 1

***Motion passes.***



shaped by Town politics at the time that the documents were negotiated when there was some distrust between the Town and the Pier Corp. The goal of the re-negotiation should be moving from being adversarial and confusing to an alignment of interests of the Town and the Pier Corp. and a clarification of what should be done and how it should be done. He proposed three documents; the first would be a short, simple lease stating that the Town will lease the Pier to the Pier Corp. for one dollar and that the Town can terminate the lease any time it wants. The second document should be a management agreement, which should outline how the Pier will be managed, run and maintained. The third document would be a contract to provide Harbormaster services. The Town would tell the Pier Corp. how to run the Pier on behalf of the Town.

He thought that when the legislature got involved in creating the Pier Corp., it did so in order to create a tool that would insulate the operation and the maintenance of the Pier from Town politics and from the annual budget battles. He proposed that the Town lease the Pier to the Pier Corp. for one dollar, that the Town give the ferry embarkation fees to the Pier Corp. and that the Pier Corp. provide Harbormaster services for the price of the mooring fees collected. This would provide about \$100,000 to the Pier Corp., between the embarkation fees and the mooring fees. He also suggested that once the maintenance reserve is fully funded, it would be agreed that the Town would get the first \$120,000 of profit in any given year. The difference would be split after that. He would propose that \$100,000 go into the maintenance reserve.

**Herbie Hintze:** He thanked SF for educating him about the Pier Corp. finances while he has been on the Board. He also thanked the staff for doing an excellent job on the transportation float.

**Kerry Adams:** He also thanked staff for their work on the transportation float. He asked SF if he would remain on as treasurer and SF agreed.

### ***Working Group Reports***

#### **Pavilion vendors' event pilot project:**

RM reported that some kind of attraction or food vending operation or other source of revenue is being sought. The idea seemed to be gaining traction. He has been taking some people out there to look at the venue. Morgan Clark, the Health Agent, made a site visit. She suggested setting up a meeting with the appropriate Town officials to discuss all the aspects of the operation. KA added that a local vendor has been out at the site, was very interested and was willing to pay rent.

SF clarified his explanation about the \$130,000 discrepancy between what the Town accounts and the Pier accounts show pursuant to the auditor's presentation at the last meeting.

## ***Pier Manager's Report***

**Auditor reconciliation progress report:** RM said that Dan Hoort had provided him with a complete accounting of all of the Pier's expenses and revenue. The auditor will be looking at this information for anomalies and discrepancies. The Town's and the Pier Corp.'s accounts do not match. He wants to fix the system and prevent it from happening in the future.

He has met with the Acting Town Manager and the Pier Corp. is tentatively scheduled to meet with the Board of Selectmen on June 9<sup>th</sup>.

**Facility Security Plan approved by USCG:** The plan has been approved. It is a sensitive security document and not available for review by the public or the Board. It will allow the Pier to bring cruise ships into the Harbor and allow their tenders to land at a dock in a segregated area. The segregated area will have the security systems that they need in place without disrupting the traffic from the Boston boats. This will also facilitate our grant-writing efforts and raises requirements for staff training and drills.

**Training – seasonal and advanced:** Some of our employees will be undergoing the same training as seasonal police officers. The police officers will be coming out to the Pier for some training as well. RM and Luis Ribas are on a different training track with the Cape & Islands Harbormasters Association. They will be out for three days next week for advanced boat operator training.

**PPD surplus vehicle Expedition:** Town Meeting approved funds for a new police command vehicle. He needs a motion to request a departmental transfer for the surplussed Expedition.

***A motion was made to approve the expenditure of money to acquire the PPD surplus Expedition.***

***Motion:*** Scott Fraser

***2nd:*** Herbie Hintze

**Vote:**

**Yes:** 3

**No:** 0

**Abstain:** 0

***Motion passes.***

**Facility and Harbor updates:** RM thanked HH for noticing the work done on the transportation float. RM said he has kept the Conservation Commission apprised of the work being done. 10W is in place. He explained why the paint lines are slippery. He said the beads that make them slippery should wash away in the first rain. Cape Light Compact was on the Pier this morning to explore the possibility of retrofitting all of the exterior light fixtures to LEDs.

**Schooner Bowdoin:** RM explained that this is the vessel that Admiral MacMillan took to the North Pole and used for several scientific expeditions and is currently being used as a training vessel for the Maine Maritime Academy. They have requested dockage for July 4<sup>th</sup> weekend. They will be coming in just before the *Charles Morgan*. RM is hoping the *Bowdoin* will return

for the Blessing of the Fleet in 2015. RM anticipates that this visit will serve to establish a good relationship between the Pier and the *Bowdoin* and Maine Maritime Academy.

The Pier Dance has been cancelled for the season. It most likely will not be revived.

### ***New Business***

HH suggested that when the ferries arrive at the Pier that traffic be stopped on Commercial Street in order to allow traffic to get off the Pier and directly onto Bradford Street. RM said that he has been trying to set that up. The Board discussed the issue. KA said they have been trying to get the speed trailer down to the Pier in order to attempt to control the speed of vehicles on the Pier. KA and RM have spoken about putting a light at the beginning of the Pier to indicate when the ferries are unloading so that only authorized personnel would be allowed to drive onto the Pier when the light was on. RM said that the radar sign which is currently located on Bradford Street is permanent and runs on solar energy. They cost about \$3000-\$4000. These devices have an effect on slowing vehicles and making motorists aware of how fast they are traveling. He explained that the Pier cannot have speed bumps because of street sweeping. SF suggested movable speed bumps. RM said that he could work with DPW to come up with a scheduled solution.

Meeting adjourned at 6:15 P.M.

Respectfully submitted,  
Ellen C. Battaglini,  
PPPC Administrative Coordinator

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Kerry Adams, Chair